

Congress of the United States

Washington, DC 20515

August 3, 2001

The Honorable David M. Walker
Comptroller General
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

We write to request that the General Accounting Office study the ability of the U.S. Department of Transportation (DOT) and the Government of Mexico to ensure that Mexico-domiciled commercial motor vehicles entering the United States are operated and maintained in a safe manner.

Since implementation of the North American Free Trade Agreement (NAFTA) in 1994, trade and commercial traffic between the United States and Mexico has more than doubled. Last year, commercial trucks made more than 4.5 million crossings into the United States at the southern border. However, because of safety concerns, the United States has not allowed Mexico-domiciled motor carriers to travel beyond the commercial zone. In February 2001, President Bush announced that, pursuant to NAFTA, he would allow Mexico-domiciled commercial motor vehicles to travel throughout the United States beginning in January 2002. As evidenced by the recent House and Senate overwhelming bipartisan votes to prohibit or restrict the Department of Transportation's authority to process applications for Mexico-domiciled carriers, it is clear that Members of Congress are seriously concerned about the ability of DOT and the Government of Mexico to ensure that Mexico-domiciled commercial motor vehicles entering the United States are operated and maintained in a safe manner.

Previous studies by both the General Accounting Office and the DOT's Office of the Inspector General have found that there are too few state and federal inspectors and facilities to adequately inspect the existing commercial border traffic and that the United States does not have a consistent enforcement program that provides reasonable assurances of the safety of Mexico-domiciled trucks entering the United States. For example, in 1998, DOT's Inspector General estimated that 139 federal border safety inspectors were needed to conduct motor carrier inspections. The Inspector General has stated that this estimate is a conservative number that did not take into account such changes as expanded hours of operation and growth in cross-border traffic. To date, DOT has only 58 federal border safety inspectors in place, or 42 percent of the 1998 estimate of the minimum number of inspectors needed. At 25 of 27 southern border crossings, accounting for 79 percent of the truck traffic from Mexico (3.58 million northbound crossings in FY2000), the border States do not have inspectors on duty during all hours of operation. The Inspector General also found that the border States have no permanent inspection facility at these same 25 crossings and inspection space is often limited to one or two vehicles. (See *"Interim Report on Status of Implementing the North American Free Trade Agreement's Cross-Border Trucking Provisions,"* Office of Inspector General, Department of Transportation, May 8, 2001.)

In May 2001, DOT issued a proposed rule to allow Mexico-domiciled trucks to travel from Mexico to any point in the United States. However, no one has analyzed the Mexican and U.S. safety systems that are likely to be in place at the time these vehicles are permitted to enter the United States, and the degree to which these systems will ensure that Mexico-domiciled trucks entering the United States meet U.S. safety and air quality emissions standards. To date, Mexico has no comprehensive safety inspection program. Although the proposed rule requires Mexico-domiciled carriers to complete paperwork applications, it does not require any actual compliance reviews or inspections before granting such carriers' authority to operate throughout the United States. DOT contemplates that these carriers would "be subject to intensified roadside monitoring through the vehicle inspection process" after they are in the United States. (See "*Safety Monitoring System and Compliance Initiative for Mexican Motor Carriers Operating in the United States*," DOT Notice of Proposed Rulemaking, May 3, 2001, 66 FR 22415.) Given that state inspectors inspect only a minuscule number of existing commercial motor vehicles, we believe that there is neither the federal or state personnel nor the infrastructure in place to provide "intensified roadside monitoring."

Given our concern regarding the safety of Mexico-domiciled carriers operating in the United States, we request that the General Accounting Office study these issues, including the following:

1. DOT's overall plans and timetable for ensuring that Mexico-domiciled commercial vehicles entering the United States comply with applicable U.S. safety and air quality emissions standards.
2. The U.S. federal and state facilities available for safety and emissions inspections of commercial vehicles entering the United States from Mexico, and any potential inter-agency coordination and space utilization issues at ports of entry.
3. The U.S. federal and state border safety personnel available to conduct compliance reviews of Mexico-domiciled motor carriers and Level 1 inspections of vehicles and drivers.
4. The insurance requirements under NAFTA for Mexico-domiciled motor carriers entering the United States and the capability of U.S. insurance companies to provide such insurance.
5. Mexican government efforts to ensure that Mexico-domiciled carriers, vehicles, and drivers meet U.S. safety and emissions standards. These standards include not only safety inspections of the vehicle, but also standards for vehicle weight, driver qualifications, hours of service, drug and alcohol testing, accident monitoring, and hazardous materials transportation. In addition, this study should include a review of whether the Mexican government has a comprehensive oversight program similar to programs of the Federal Motor Carrier Safety Administration and state motor carrier safety agencies.
6. Mexican government efforts to create accessible and complete databases of commercial driver and carrier records that are compatible with the United States' information systems.

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7. Verification of actual implementation of Mexican government regulations concerning safety and emissions standards for commercial vehicles.
8. DOT's program to verify that Mexico-domiciled vehicles and drivers have actually met vehicle inspection and driver requirements prior to receiving authority to enter the United States.

Please contact Ward McCarragher of the Transportation and Infrastructure Committee (225-4472) or Edith Holleman of the Energy and Commerce Committee (226-3400) to discuss any questions your staff may have concerning this request.

Thank you for your consideration.

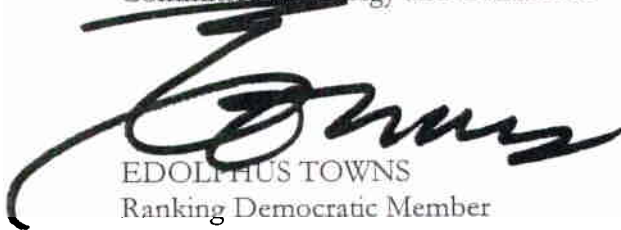


JOHN D. DINGELL
Ranking Democratic Member
Committee on Energy and Commerce

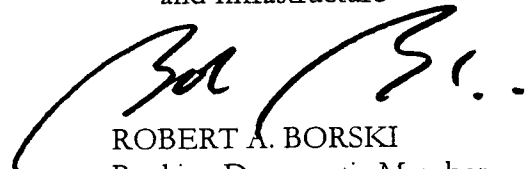
Sincerely,



JAMES L. OBERSTAR
Ranking Democratic Member
Committee on Transportation
and Infrastructure



EDOLPHUS TOWNS
Ranking Democratic Member
Subcommittee on Commerce,
Trade, and Consumer Protection



ROBERT A. BORSKI
Ranking Democratic Member
Subcommittee on Highways
and Transit